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TEXAS ROADHOUSE MANAGEMENT CORP.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SONIA RAMIREZ, an Individual,

Plaintiff,

v.

TEXAS ROADHOUSE LLC., a Domestic
Limited-Liability Company; JOSE ANGEL
ARRIOLA, an Individual, DOES 1 Through
25, inclusive; and ROE CORPORATIONS 1
through 25, inclusive,

Defendants.

Case No. 2:23-cv-01718-JAD-NJK

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**(SUBMITTED IN COMPLIANCE WITH
LR 26-1(b))**

Plaintiff SONIA RAMIREZ (hereinafter “Plaintiff”) and Defendant TEXAS ROADHOUSE MANAGEMENT CORP. (incorrectly identified as TEXAS ROADHOUSE LLC) (hereinafter “Defendant”), by and through their respective attorneys of record, hereby submit this Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b).

1. Fed. R. Civ. P. 26(a) Initial Disclosures:

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Court 26-1(a), on November 28, 2023, counsel for Plaintiff, Christian Smith, Esq. of Kang & Associates, PLLC, and counsel for Defendant, Diana G. Dickinson, Esq. of Littler Mendelson, P.C., conducted a meeting to discuss the relevant issues for discovery, possible early resolution of the matter, and other

1 pertinent issues. Pursuant to these discussions, the parties agree that they will submit their initial
2 disclosures on or before **December 12, 2023**.

3 **2. Discovery Cut-Off Date:**

4 The parties request a discovery period of one hundred and eighty (180) days from November
5 10, 2023, the date Defendant filed its Answer to Plaintiff's Complaint. Accordingly, all discovery
6 must be completed no later than **May 8, 2024**.

7 **3. Amending the Pleadings and Adding Parties:**

8 The date for filing motions to amend the pleadings or to add parties shall not be later than
9 ninety (90) days prior to the discovery cut-off date and, therefore, not later than **February 8, 2024**.

10 **4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

11 In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be made sixty
12 (60) days prior to the discovery cut-off date, and therefore, not later than **March 11, 2024**¹, and
13 disclosures identifying rebuttal experts shall be made thirty (30) days after the initial disclosure of
14 experts and, therefore, not later than **April 10, 2024**.

15 **5. Dispositive Motions:**

16 The parties shall file dispositive motions not more than (30) days after the discovery cut-
17 off date and, therefore, not later than **June 7, 2024**. In the event that the discovery period is
18 extended from the discovery cut-off date set forth in this Stipulated Discovery Plan and Scheduling
19 Order, the date for filing dispositive motions shall be extended for the same duration, to be no later
20 than thirty (30) days from the subsequent discovery cut-off date.

21 **6. Pretrial Order:**

22 The Pretrial Order shall be filed by **July 8, 2024**², which is not later than thirty (30) days
23 after the date set for filing dispositive motions. In the event dispositive motions are filed, the date
24 for filing the Pretrial Order shall be suspended until thirty (30) days after the decision of the
25 dispositive motions or until further order of the Court. In the further event that the discovery period
26 is extended from the discovery cut-off date set forth in this Stipulated Discovery Plan and
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28 ¹ Original date falls on a Saturday therefore the deadline was moved to Monday.

² Original date falls on a Sunday therefore the deadline was moved to Monday.

1 Scheduling Order, the date for filing the Pretrial Order shall be extended in accordance with the
2 time period set forth in this paragraph.

3 **7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

4 The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objection thereto shall be
5 included in the Pretrial Order.

6 **8. Alternative Dispute Resolution:**

7 The parties certify they have met and conferred about the possibility of using alternative
8 dispute resolution processes, including mediation, arbitration, and early neutral evaluation. This
9 case has been assigned to the Early Neutral Evaluation (“ENE”) Program with Judge Elayna J.
10 Youchah as the evaluating judge. ECF No. 2. The parties request that the Court assign an ENE
11 date before Judge Youchah.

12 **9. Alternative Forms of Case Disposition:**

13 The parties certify they have considered consent to trial by a magistrate judge under 28
14 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-
15 01) and do not elect these options at this time.

16 **10. Electronic Evidence:**

17 The parties certify they have discussed whether they intend to present evidence in electronic
18 format to jurors for the purposes of jury deliberations. Discussions between the parties will be
19 ongoing as the trial date approaches and they stipulate that they intend to present any electronic
20 evidence in a format compatible with the court's electronic jury evidence display system.

21 **11. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

22 In accordance with Local Rule 26-3, a stipulation or motion for modification or extension
23 of this discovery plan and scheduling order must be made no later than twenty-one (21) days before
24 the expiration of the subject deadline.

25 **12. Subjects and Order of Discovery:**

26 The parties agree that there is no need for discovery to be conducted in phases or to be
27 limited or focused upon particular issues. At this point, the parties anticipate conducting discovery
28 on all discoverable matters relevant to issues raised by the Complaint, and any subsequent

1 pleadings, consistent with the Federal Rules of Civil Procedure and the Local Rules of the District
2 of Nevada.

3 **13. Electronic Service:**

4 The parties agree that pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure
5 any discovery requests and responses may be served by sending such documents by email to the
6 primary email addresses for all counsel of record. The format to be used for attachments to any
7 email message shall be Microsoft Word (.doc) or Adobe Acrobat (.pdf). To the extent discovery
8 requests are served on a Saturday, Sunday, or legal holiday, service will be deemed effective on the
9 next day that is not a Saturday, Sunday, or legal holiday. For electronic service to be effective as
10 to Plaintiff, electronic service shall be sent to Plaintiff's counsel at csmith@acelawgroup.com,
11 unless otherwise amended in writing by Plaintiff. For electronic service to be effective as to
12 Defendant, in addition to electronic service to all counsel of record (RGrandgenett@littler.com and
13 DDickinson@littler.com), electronic service shall also be sent to Joanne Conti at
14 JConti@littler.com, unless otherwise amended in writing by Defendant.

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1 **14. Changes and Limitations on Discovery:**

2 No changes in limitations, other than as specified herein, set by either the Federal Rules of
3 Civil Procedure or Local Rules for the District of Nevada are requested at this time.

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5 Dated: December 4, 2023

6 Respectfully submitted,

Respectfully submitted,

7 /s/ Christian Z. Smith

/s/ Diana G. Dickinson

8 PATRICK W. KANG, ESQ.
9 KYLE R. TATUM, ESQ.
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DIANA G. DICKINSON, ESQ.
LITTLER MENDELSON, P.C.

Attorneys for Defendant
TEXAS ROADHOUSE MANAGEMENT CORP.

11 Attorneys for Plaintiff
12 SONIA RAMIREZ

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15 **IT IS SO ORDERED.**

16 Dated: December 5, 2023.

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UNITED STATES MAGISTRATE JUDGE

20 4875-0311-1572.1 / 069343-1289